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April 26, 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Room TW-A325
Washington, D.C. 20554

Re: *Ex Parte* Presentation

CC Docket No. 97-213

Dear Ms. Salas:

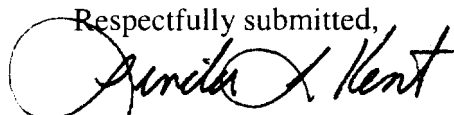
On April 25, 2001, the undersigned, Don Bender and Ed Kania, representing the United States Telecom Association (USTA) met with Geraldine Matise, Rodney Small, Jerry Stanshine and Charles Iseman of the Office of Engineering and Technology, John Spencer and Susan Kimmel of the Wireless Telecommunications Bureau and Gayle Teicher of the Common Carrier Bureau regarding the above-referenced docket. USTA expressed its support for a suspension of the September 30, 2001 compliance date for implementation of the punchlist capabilities and the packet-mode communications as required in the *Third Report and Order* released August 31, 1999 in this docket.

USTA explained that a suspension is warranted because of the uncertainty that remains regarding both the punchlist capabilities and packet-mode communications since the U.S. Court of Appeals vacated four punchlist capabilities and remanded the *Third Report and Order* to the Commission for further proceedings consistent with its opinion. The Commission has not initiated any further proceedings. While the Telecommunications Industry Association report regarding solutions for packet-mode technology has been released, there has been no further discussion of privacy concerns. Finally, USTA shared the results of an informal poll of switch manufacturers, attached hereto, that shows that many vendors, and especially those serving small and midsize wireline carriers, will not have the punchlist capabilities available in time for carriers to meet the September 30 deadline. In fact, approximately 400 small company switches will not have the punchlist capabilities available for installation until mid 2002 and approximately 250 small company switches will not have the punchlist capabilities available at all. USTA noted that there is insufficient time for carriers to budget, purchase, install, test and deploy the punchlist capabilities, particularly those that may require hardware in addition to software solutions.

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USTA urged the Commission to suspend the September 30 deadline as soon as possible. If the Commission determined that a suspension is not possible, USTA noted that many of its members would be required to file additional Section 107(c) petitions as permitted by the statute to avoid penalties. USTA requested that the Commission issue guidelines for such petitions expeditiously to ease the administrative process. USTA also asked the Commission to clarify that those carriers that have an approved Section 107(c) petition for the "core" J-STD-025 that does not require the carrier to implement the J-STD-025 until after September 30, 2001 are automatically exempt from the September 30, 2001 date for the punchlist and any other capability that is not included in J-STD-025.

In accordance with Section 1.1206(a)(1) of the Commission's rules, an original and a copy of this notice are being filed in the Office of the Secretary. Please include a copy of the letter in the above-referenced proceeding. If there are any questions regarding this submission, please contact the undersigned.

Respectfully submitted,

Linda L. Kent
Associate General Counsel

Attachment

cc: Geraldine Matise
Rodney Small
Jerry Stanshine
Charles Iseman
John Spencer
Susan Kimmel
Gayle Teicher

WIRELINE INDUSTRY (ILECs)
CALEA CAPABILITY – INCLUDING PUNCH LIST FUNCTIONS

MANUFACTURERS	SWITCH IDENTIFICATION	SOFTWARE RELEASE	FIRST OFFICE APPLICATION	GENERAL AVAILABILITY	COMMENTS
SIEMENS	EWSD	19	4Q01	2Q02	- INCLUDE ALL SIX PUNCH LIST FUNCTIONS - EACH FUNCTION IS DISABLE BY SOFTWARE TOGGLE -
SIEMENS	DCO	23	AUGUST 2001	NOVEMBER 2001	- INCLUDE ALL SIX PUNCH LIST FUNCTIONS - EACH FUNCTION IS DISABLE BY SOFTWARE TOGGLE -
NORTEL	DMS-10	502	APRIL 2001	JUNE 30, 2001	- FIRST OFFICE APPLICATION IN AMERITECH - INCLUDE ALL SIX PUNCH LIST FUNCTIONS - EACH FUNCTION IS DISABLE BY SOFTWARE TOGGLE -
NORTEL	DMS-100	14	COMPLETED	NOV. 2000	- INCLUDE ALL SIX PUNCH LIST FUNCTIONS - EACH FUNCTION IS DISABLE BY SOFTWARE TOGGLE EXCEPT PTY. HELD, DROP OR JOINED MESSAGING WHICH ARE BLOCK ON THE DELIVERY CHANNEL
LUCENT	5E	5E15	COMPLETED	NOW	- BEING PROVIDED IN NEW SWITCH DELIVERIES - INCLUDE ALL SIX PUNCH LIST FUNCTIONS - EACH FUNCTION IS DISABLE BY SOFTWARE TOGGLE -
AG Communications Systems	GTD5	4006	Completed	May 2001	- INCLUDE ALL SIX PUNCH LIST FUNCTIONS - EACH FUNCTION IS DISABLE BY SOFTWARE TOGGLE

WIRELINE INDUSTRY (ILECs)
CALEA CAPABILITY – INCLUDING PUNCH LIST FUNCTIONS

MANUFACTURERS	SWITCH IDENTIFICATION	SOFTWARE RELEASE	FIRST OFFICE APPLICATION	GENERAL AVAILABILITY	COMMENTS
MITEL	GX5000	5009 FROZEN			<ul style="list-style-type: none"> - MITEL STOP MARKETING THE PRODUCT - NOW A SERVICE ORGANIZATION FOR THE SYSTEMS SOLD - SOFTWARE RLS. 5009 INCLUDE J-STD-025 - NOT KNOWN AT THIS TIME IF MITEL WILL OFFER THE PUNCH LIST FUNCTIONS
REDCOM	MDXI	6 - Core Functions 7 – Two Punch List Functions	Mid 2001 Mid 2002		<ul style="list-style-type: none"> - WORKING WITH CIS TO TEST THE INCLUSION OF J-STD-025 IN THEIR SOFTWARE - REQUIRES A NEW PROCESSOR AND THE PRODUCT WAS REMANED MDXI - PUNCH LIST FUNCTIONS ARE NOT AVAILABLE IN SOFTWARE VERISON 6
ERICSSON	AKE10	320/321			<ul style="list-style-type: none"> - RELEASE DATE HAS NOT BEEN ESTABLISHED
AMERICAN DIGITAL SWITCHING	CENTURA 2000				<ul style="list-style-type: none"> - STD-J- 025 IS STILL BEING CONSIDERED FOR DEVELOPMENT - NO RESOLUTION ON THE PUNCH LIST FUNCTIONS